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OFFICE OF PETITIONS

In re Application of :  
Toshiya Uemura, et al. :  
Application No. 08/866,129 :  
Filed: May 30, 1997 :  
Attorney Docket No. F97-121-USCONT2 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 31, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed January 22, 2002, which set a shortened statutory period for reply of three(3) months. A three(3) months extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on July 23, 2002.

Petitioner submitted a Request for Continued Examination (RCE), without the proper submission on July 10, 2002. Accordingly, the Request for Continued Examination (RCE) was improper under 37 CFR 1.114. A submission was filed on November 8, 2002, which is after the date of abandonment of the application. Petitioner has supplied a copy of the submission filed on November 8, 2002 with the present petition. Therefore, the application is being revived solely for purposes of continuity with the Request for Continuation Examination (RCE) filed on July 10, 2002.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

The application file is being forwarded to Technology Center 2800, Art Unit 2814, for processing the Request for Continued Examination under 37 CFR 1.114.

Cheryl Gibson-Baylor  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Sherry D. Brinkley  
Petitions Examiner